

House Bill 1165

By: Representatives Morgan of the 39th, Williams of the 89th, Heckstall of the 62nd, Gardner of the 57th, Watson of the 91st, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for election day registration; to provide for procedures; to provide for registration at polling places; to provide for absentee registration; to provide for voting after such registration; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by striking subsection (a) of Code Section 21-2-220, relating to applications for voter registration, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Any person desiring to register as an elector shall apply to do so by making application to a registrar or deputy registrar of such person's county of residence in person, by submission of the federal post card application form as authorized under Code Section 21-2-219, by making application through the Department of Driver Services as provided in Code Section 21-2-221, by making application through the Department of Natural Resources as provided in Code Section 21-2-221.1, by making application through designated offices as provided in Code Section 21-2-222, ~~or~~ by making application by mail as provided in Code Section 21-2-223, or by applying as provided in Code Section 21-2-224.1 in person at the polling place for the precinct containing his or her residence on the day of the primary or election or at the office of the registrar or absentee ballot clerk during the period specified in subsection (b) of Code Section 21-2-380."

SECTION 2.

Said chapter is further amended by striking subsections (a) and (b) of Code Section 21-2-224, relating to registration deadlines and inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) ~~If~~ Except as otherwise provided in Code Section 21-2-224.1, if any person whose name is not on the list of registered electors maintained by the Secretary of State under this article desires to vote at any general primary, general election, or presidential preference primary, such person shall make application as provided in this article by the close of business on the fifth Monday or, if such Monday is a legal holiday, by the close of business on the following business day prior to the date of such general primary, general election, or presidential preference primary.

(b) ~~If~~ Except as otherwise provided in Code Section 21-2-224.1, if any person whose name is not on the list of registered electors maintained by the Secretary of State under this article desires to vote at any special primary or special election, such person shall make application as provided in this article no later than the close of business on the fifth day after the date of the call for the special primary or special election, excluding Saturdays, Sundays, and legal holidays of this state; except that:

(1) If such special primary or special election is held in conjunction with a general primary, general election, or presidential preference primary, the registration deadline for such special primary or special election shall be the same as the registration deadline for the general primary, general election, or presidential preference primary in conjunction with which the special primary or special election is being conducted; or

(2) If such special primary or special election is not held in conjunction with a general primary, general election, or presidential preference primary but is held on one of the dates specified in Code Section 21-2-540 for the conduct of special elections to present a question to the voters or special primaries or elections to fill vacancies in elected county or municipal offices, the registration deadline for such a special primary or election shall be at the close of business on the fifth Monday prior to the date of the special primary or election or, if such Monday is a legal holiday, by the close of business on the following business day."

SECTION 3.

Said chapter is further amended by adding a new Code Section 21-2-224.1 to read as follows:

"21-2-224.1.

1 (a) Notwithstanding any provision of law to the contrary, any person may register and vote
2 in accordance with this Code section on the day of a primary or election or during the
3 period of advance voting as specified in subsection (b) of Code Section 21-2-380.

4 (b) A person who is not registered to vote or did not register by the deadlines specified in
5 Code Section 21-2-224 may go to the polling place for the precinct in which such person's
6 residence is located on the day of a primary or election or to the registrar's office or the
7 office of the absentee ballot clerk, as appropriate, during the period specified under
8 subsection (b) of Code Section 21-2-380 and register to vote by completing an official
9 voter registration application as provided in subsection (a) of Code Section 21-2-219 and
10 providing the identification required by subsection (c) of Code Section 21-2-417 to the poll
11 officers, registrars, or absentee ballot clerk, as the case may be.

12 (c) For a person at his or her polling place, upon fully completing the voter registration
13 application and providing the appropriate identification, the person shall be issued a
14 provisional ballot in the same manner as persons whose names are not on the electors list
15 for the polling place under Code Section 21-2-418. For a person at the registrar's office
16 or the office of the absentee ballot clerk, as appropriate, during the period specified under
17 subsection (b) of Code Section 21-2-380, upon fully completing the voter registration
18 application and providing the appropriate identification, the registrars shall either determine
19 the person's qualifications immediately and, if found qualified, allow such person to vote
20 in the same manner as other electors or, if there is insufficient time for whatever reason for
21 the registrars to make such determination or if the person is attempting to vote at the
22 absentee ballot clerk's office, the person shall be issued a provisional ballot in the same
23 manner as persons whose names are not on the electors list at the polling places under Code
24 Section 21-2-418 and shall vote such provisional ballot in the same manner as such persons
25 at the polls.

26 (d) Persons in line waiting to complete voter registration applications at the time of the
27 closing of the polls shall be permitted to complete the voter registration application,
28 provide the appropriate application, and vote a provisional ballot.

29 (e) The poll officer verifying the person's identification shall initial the person's voter
30 registration application."

31 **SECTION 4.**

32 Said chapter is further amended by striking Code Section 21-2-419, relating to validation of
33 provisional ballots, and inserting in lieu thereof a new Code Section 21-2-419 to read as
34 follows:

35 "21-2-419.

(a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the county or municipality for mail-in absentee ballots. Such provisional ballot shall be sealed in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot in a secure, sealed ballot box.

(b) At the earliest time possible after the casting of a provisional ballot, but no later than the day after the primary or election in which such provisional ballot was cast, the board of registrars of the county or municipality, as the case may be, shall be notified by the election superintendent that provisional ballots were cast in the primary or election and the registrars shall be provided with the documents completed by the person casting the provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be securely maintained by the election superintendent until a determination has been made concerning their status. The board of registrars shall immediately examine the information contained on such documents and make a good faith effort to determine whether the person casting the provisional ballot was entitled to vote in the primary or election.

(c)(1) If the registrars determine after the polls close, but not later than two days following the primary or election, that the person casting the provisional ballot timely registered to vote and was eligible and entitled to vote in such primary or election or properly applied to register to vote on the day of the primary or election under Code Section 21-2-224.1 and met the qualifications to register to vote, the registrars shall notify the election superintendent and the provisional ballot shall be counted and included in the county or municipality's certified election results.

(2) If the registrars determine after the polls close, but not later than two days following the primary or election, that the person voting the provisional ballot timely registered and was eligible and entitled to vote in the primary or election or properly applied to register to vote on the day of the primary or election under Code Section 21-2-224.1 and met the qualifications to register to vote, but voted in the wrong precinct or voted the wrong ballot style or district combination, then the board of registrars shall notify the election superintendent. The superintendent shall count such person's votes which were cast for candidates in those races for which the person was entitled to vote but shall not count the votes cast for candidates in those races in which such person was not entitled to vote. The superintendent shall order the proper election official at the tabulating center or precinct to prepare an accurate duplicate ballot containing only those votes cast by such person in those races in which such person was entitled to vote for processing at the tabulating center or precinct, which shall be verified in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the

1 designation of the polling place, and shall be given the same serial number as the original
2 ballot. The original ballot shall be retained.

3 (3) If the registrars determine that the person casting the provisional ballot did not timely
4 register to vote or was not eligible or entitled to vote in such primary or election or shall
5 be unable to determine within two days following such primary or election whether such
6 person timely registered to vote and was eligible and entitled to vote in such primary or
7 election, the registrars shall so notify the election superintendent and such ballot shall not
8 be counted. The election superintendent shall mark or otherwise document that such
9 ballot was not counted and shall deliver and store such ballots with all other ballots and
10 election materials as provided in Code Section 21-2-500.

11 (d)(1) The board of registrars shall notify in writing those persons whose provisional
12 ballots were not counted that their ballots were not counted because of the inability of the
13 registrars to verify that the persons timely registered to vote or other proper reason. The
14 registrars shall process the official voter registration application form completed by such
15 persons pursuant to Code Section 21-2-224.1 or 21-2-418 and shall add such persons to
16 the electors list if found qualified in order that such persons may vote in future primaries
17 and elections.

18 (2) The board of registrars shall notify in writing those electors who voted in the wrong
19 precinct and whose votes were partially counted of their correct precinct."

20 SECTION 5.

21 All laws and parts of laws in conflict with this Act are repealed.